

TOWN OF BREWSTER

2023 Non-Commercial Shellfish Rules and Regulations

1. No person shall take from the flats or waters of the Town of Brewster sea clams, soft shell clams, mussels, quahogs, razor clams, oysters, scallops, sea worms or eels without first obtaining from the Town of Brewster a permit or license to do so.
2. Persons entitle to resident permit (one per household) shall be real estate taxpayer and/or legally domiciled person of the Town of Brewster and shall include the immediate members of their family only. (Immediate in this content means a family member living with and/or supported by the taxpayer on a year-round basis). Permits are not transferable and are subject to revocation by the Select Board if misused.
3. The Board of Selectmen shall from time to time appoint Shellfish Constable(s) and assistants who shall be empowered to enforce these regulations and all applicable sections of Chapters 130 and 21 of the Massachusetts General Laws and 322 CMR of the Massachusetts Division of Marine Fisheries pertaining to shellfish in the Town of Brewster. Shellfish Constable(s) and assistants may from time-to-time close certain areas or otherwise temporarily modify catch limits as appropriate to protect health or shellfish stocks.
4. All persons taking, carrying away and/or having in their possession shellfish of any kind, in a container, in a boat, or on their person, shall exhibit their permit to take shellfish and allow inspection of all harvested shellfish when requested by a Shellfish Constable or Assistant, a Brewster Natural Resources Offices, or any appointed law enforcement official.
5. Fees for 2023 permits shall be as follows:

Resident 70 years of age and over Annual license \$15.00

Resident Brave Act Veteran 70 years and over Annual license \$15.00

Resident Annual license \$40.00

Brace Act Veteran Annual license \$40.00

Non-Resident Annual license \$140.00

6. Residents 70 years of age and older may purchase their annual shellfish license at the Council on Aging (1673 Main Street) from 8:30am – 4:00pm Monday through Friday.
7. Shellfish licenses can be purchased online at [Town of Brewster Online Transactions \(townhall247.com\)](https://townhall247.com) year-round. Shellfish licenses can be purchased at the Town Hall

from September 15 through April 1. During peak permit season (April 1- September 15) license can be purchased through the mail in program or online.

8. Permits shall be worn in carrying case in a visible location on his/her person while engaged in shellfishing at all times.
9. The maximum amount of shellfish, in any combination, taken in one week shall not exceed 10 quarts. This 10-quart weekly limit does not include sea clams or scallops. See Appendix A regarding the limit on shellfish and other species regulated by shellfish permits. *A week is classified as a seven-day period from sunrise on Sunday through sunset on Saturday.*
10. All shellfish shall immediately be culled when harvested and all seed shellfish immediately returned to that area where harvested.
11. All holes dug in the process of digging shellfish and/or worms shall be filled into ground level, as they constitute a hazard to other shellfishermen and walkers.
12. The taking of shellfish from the water and flats within the Town of Brewster by implements other than those known as long rake, scratcher, tong, quahog rake, clam rake or clam hoe, is PROHIBITED. Shovels, pitchforks, garden rakes, garden shovels, plunger, etc., are not allowed.
13. Specified areas that are closed to the taking of shellfish shall be posted at the Department of Natural Resource, Town Hall and the Police Station.
14. During the months of July and August, the taking of shellfish will be allowed only on Sunday and Thursday.
15. From June 1 through September 30, all beaches east of a point 100 yards to the west of Ellis Landing to the Town line (Namskaket Creek) will be closed to the taking of shellfish (Ellis Landing, Bonnie Doonie Road, Anson Way, Linnell Landing, Crosby Landing and Namskaket Creek). The taking of shellfish from the rockpiles (seedbeds) directly off of Ellis Landing and Ocean Edge is prohibited throughout the year.
16. During the months of July and August, all shellfish harvested in the Saints Landing stocked area must be landed and checked out by the Shellfish Constable(s) or Assistants at Saints Landing.
17. No person shall dig take or carry away any shellfish or shells between sunset and sunrise by any method whatsoever from any water, flat or creek in the Town of Brewster.

18. No starfish, conches, or periwinkles shall be returned to the waters but shall be placed on shore above the high-water mark.
19. No shellfishing will be allowed when the air temperature is 30° F or -1°C or below.
20. Digging in grass areas, including grass roots, is prohibited.
21. Violations of the aforementioned regulations are subject to written citation, court appearance and fine. The Board of Selectmen reserves the right to suspend the permit of any person violating the Town regulations on shellfishing for a period of 30 days. Whoever violates any rules or regulations made under the authority of Chapters 130 and 21 of the Massachusetts General Laws and/or 322 CMR of the Massachusetts Division of Marine Fisheries, unless otherwise provided, shall be punished by a fine of not less than \$15.00 but not more than \$1,000.00

Per MGL Ch 130 §52, the term "Selectmen" still applies, and therefore overrides the locally adopted term "Select Board"

Appendix A

Limit on Shellfish and Other Species Regulated by Shellfish Permit

SPECIES	QUANTITY	HARVEST SIZE	SEASON
Soft Shell clam (steamers)	5 quarts per week	Minimum of 2" in length	October 1 to May 1, inclusive
Quahog	10 quarts per week including shells	Minimum of 1" in thickness.	Open
Mussel	10 quarts per week including shells	Minimum of 2" in length	Open
Sea clam	½ bushel per week in shell, or 1 ½ quarts per week of shucked meats.	Minimum of 5" in length	Open
Oyster	5 quarts per week	Minimum of 3" in length	October 1 to March 1, inclusive
Razor Clam	10 quarts per week	No minimum size	Open
Scallop	1 bushel per week including shells	Must have a raised, well defined annual growth ring.	October 1 to March 1, inclusive
Sea worm	3 dozen per day	No minimum size	Open
Sand eel	3 dozen per day	No minimum size	Open
American eel	3 dozen per day	Taking of elvers (juvenile eels) is prohibited. Limit of four traps for adult ell harvesting.	Open

A week is classified as a seven-day period from sunrise on Sunday through sunset on Saturday.

Appendix B

Town of Brewster Recreational Shellfish Beds Map

